



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,913	02/17/2000	Ronald A. Katz	245/247(6046-101D7)	7196

7590

04/23/2002

Reena Kyuper
Lyon & Lyon LLP
633 West Fifth Street
47th Floor
Los Angeles, CA 90071

EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

NM

Office Action Summary

Application No.

09/505,913

Applicant(s)

Katz

Examiner

Stella Woo

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jan 18, 2002

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 16-111 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 16-111 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other: _____

Art Unit: 2643

DETAILED ACTION

1. Claims 16-111 remain properly renumbered. The claims originally presented were numbered as 1-9, 11-16, without a claim 10. In accordance with 37 CFR 1.126, claims 11-16 were renumbered as 10-15 such that the new claims submitted in the preliminary amendment filed February 17, 2000 should begin with claim 16.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 109 is rejected under 35 U.S.C. 102(b) as being anticipated by Shavit et al. (USPN 4,799,156, hereinafter "Shavit").

Shavit discloses a commercial transaction communication control system, the system being adapted for use with an on-line computer service (Shavit provides for access to a variety of information sources and database providers, e.g. Dialog; col. 7, lines 9-15), comprising:

an interface system (personal computers 62, 64 and communications interface 79; col. 5, line 28 - col. 6, line 51);

a storage memory (database stores subscriber data and request data; col. 7, lines 23-46; col. 25, lines 28-50); and

Art Unit: 2643

an independent commercial transaction control system (IMM system 50) to selectively facilitate transmission of commercial transaction data, as electronic interchange data (Shavit provides for communicating EDI data; col. 15, lines 31-33).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16-42, 45-72, 75-105, 108, 110-111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit in view of Smith (USPN 5,450,123).

Shavit discloses a commercial transaction communication system (Interactive Market Management System 50), the system being adapted for use with an on-line computer service (Shavit provides for access to a variety of information sources and database providers, e.g. Dialog; col. 7, lines 9-15), comprising:

an interface (personal computers 62, 64 and communications interface 79; col. 5, line 28 - col. 6, line 51);

an audio system (interactive conversational service; col. 7, line 58 - col. 8, line 4);

a text system (mailbox service, col. 8, lines 12-22; col. 11, line 52 - col. 12, line 18; transaction service, col. 12, line 42 - col. 14, line 21; facsimile service, col. 14, line 22);

Art Unit: 2643

a storage memory (database stores subscriber data and request data; col. 7, lines 23-46; col. 25, lines 28-50);

a control system (central processor 80).

Shavit differs from claims 16-42, 45-72, 75-105, 108, 110-111 in that it does not specify a dynamic video system. However, Smith teaches the desirability of including a camera at representative terminal so that direct, real-time, point-to-point video communication can take place between a customer and the representative (col. 3, lines 26-27; col. 4, lines 25-28; moving pictures are communicated via AT&T 2500 video telephone sets, col. 1, lines 27-28) such that it would have been obvious to an artisan of ordinary skill to incorporate such dynamic, full-motion video communication, as taught by Smith, within the system of Shavit in order to provide a real-time video as well as audio communication between the customer and representative. In this way, a more realistic face-to-face meeting can take place.

Further, Smith teaches the desirability of allowing buyer access to a vendor supplied video image stored in a video file server (video source and database 6) for enhancing sales communication with the use of video (col. 1, line 51 - col. 3, line 27) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of video, as taught by Smith, within the method of Shavit in order to allow a buyer to view the desired goods or services.

Regarding claims 19-20, 41-42, 48-49, 68-69, 81-82, 101-102, Smith provides for a dynamic video source and database 6.

Art Unit: 2643

Regarding claims 21, 50, 83, Shavit provides for printing documents via facsimile (col. 14, line 22).

Regarding claims 22-23, 51-52, 84-85, 110, the examiner takes Official Notice that it is old and well known in the art at the time of invention to provide for freeze-frame and high resolution video capability in a video communication system such that it would have been obvious to an artisan of ordinary skill to incorporate such well known video features within the combination of Shavit and Smith.

6. Claims 43-44, 73-74, 106-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit in view of Smith, as applied to claim 16 above, and further in view of Donald et al. (USPN 5,053,956, hereinafter "Donald").

The combination of Shavit and Smith differs from the claims in that although it provides for displaying products to the customer (Smith, col. 2, lines 65-68), it does not specify an inventory control system. However, Donald teaches the desirability of coupling an interactive video display system with an inventory control system (col. 7, lines 3-9; col. 9, line 61 - col. 10, line 4) so that a customer can view products along with the number available in stock such that it would have been obvious to an artisan of ordinary skill to incorporate such coupling with an inventory control system, as taught by Donald, within the combination of Shavit and Smith so that the customer can be apprised of availability while the seller's inventory database is kept current as items are purchased.

Art Unit: 2643

Response to Arguments

7. Applicant's arguments filed January 18, 2001 have been fully considered but they are not persuasive.

Applicant argues that in Shavit, "one party to the transaction is specifically selected by the other party" whereas "Applicant's system selectively enables communication between members of plural groups." The examiner maintains that it is through the control of the IMM system of Shavit that communication takes place among buyers and sellers (col. 6, line 52 - col. 8, line 22) such that the Shavit system "selectively enables" communication between members.

Applicant further argues that "Shavit does not teach a system that is adapted for use with an on-line computer service." However, Shavit clearly provides for user access to a variety of information services and database providers (e.g. Dialog) (see col. 7, lines 9-15).

Applicant argues that Shavit does not teach transmission of EDI data. However, Shavit clearly teaches the communication of data in the form of EDI, the industry standard communication protocol for transmitting business document data (col. 15, lines 31-33).

Conclusion

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

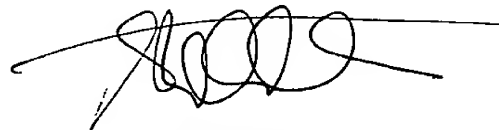
Art Unit: 2643

(703) 872-9314.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395. Any general inquiries should be directed to the Customer Service Office at (703) 306-0377.

April 22, 2002

A handwritten signature in black ink, appearing to read 'Stella Woo', with a horizontal line extending to the right.

**STELLA WOO
PRIMARY EXAMINER**